

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

EARL S. DECKER,	)	
	)	No. CV-11-59-JPH
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
v.	)	MOTION FOR REMAND
	)	
MICHAEL J. ASTRUE,	)	(ECF No. 23)
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 23**) pursuant to sentence four. Maureen J. Rosette represents plaintiff. Special Assistant United States Attorney Mathew E. Pile represents defendant. The parties have consented to proceed before a magistrate judge (ECF No. 7).

After considering the stipulated motion (ECF No. 23), **IT IS ORDERED** that the **motion is GRANTED. The case is REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including:

1. The ALJ will reconsider the medical evidence of record, including the opinion of Dennis R. Pollack, Ph.D., and shall provide proper reasons if rejecting any opinion.

2. The ALJ will reassess the lay witness statement of Mary Decker.

1 3. The ALJ will reassess plaintiff's credibility and residual  
2 functional capacity, and

3 4. The ALJ will obtain supplemental vocational expert  
4 testimony, ensuring that any hypothetical question posed to the  
5 vocational expert includes all of plaintiff's assessed  
6 limitations.

7 Because this remand is pursuant to sentence four with a  
8 remand to the Commissioner for further proceedings (*see Melkonyan*  
9 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to  
10 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412  
11 (d), upon proper request to this Court.

12 **IT IS FURTHER ORDERED:**

13 1. The parties' stipulated motion for an order of remand  
14 pursuant to sentence four (ECF No. 23) is **GRANTED**.

15 2. Judgment shall be entered for **PLAINTIFF**.

16 3. An application for attorney fees and costs may be filed by  
17 separate motion.

18 4. The District Court Executive is directed to enter this  
19 Order, enter judgment for plaintiff, forward copies to counsel,  
20 and **CLOSE** the file.

21 **IT IS SO ORDERED.**

22 **DATED** this 13th day of March, 2012.

23  
24 s/James P. Hutton  
25 JAMES P. HUTTON  
26 UNITED STATES MAGISTRATE JUDGE  
27  
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